



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Second day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM

CRL OP(MD) No.18054 of 2016

1 R. AMALI JEYAL FERNANDO
2 CLEMENT FERNANDO

... PETITIONERS / ACCUSED
(NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
CCB , THRUNELVELI CITY,
THIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.MUTHUSARAVANAN Advocate

For Respondent : MR.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

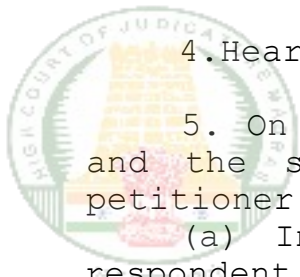
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Petitioners/accused, pray for grant of anticipatory bail under Section 438 of Cr.P.C. for the offences punishable under Sections 120-B, 406 & 420 of IPC, in Crime No.Not known of 2016, on the file of the respondent police.

2. The case of the prosecution is that the petitioners and other accused persons have joined together and has misappropriated a sum of Rs.82,20,000/- during the period 2008 to 2013.

3.Learned counsel for petitioners submit the petitioners are senior citizens and husband and wife, who are the Managing Director and General Manager of the concern in business. The Manager of the concern has misappropriated a sum of Rs.82,20,000/-, had acknowledged his liability and undertaking to repay the said sum. The Auditors' report of the company informed the misappropriation by such employee. The Board of Directors is confident on recovering the misappropriated amount from the concerned employee and if the same is not recovered, the Directors have in their individual capacity, given undertaking to the Board to reimburse the misappropriated amount to the company. In the said circumstances, the petitioners have preferred a complaint against the other directors, who are none other than the sisters of the first petitioner, against disturbing possession and enjoyment of her house. Such other Directors inturn had framed a Board Resolution, dated 03.08.2016, alleging irregularities on the part of the petitioner.



4. Heard learned Government Advocate (Crl.Side).

5. On consideration of the facts and circumstances of the case and the submissions made, this Court is of the view that the petitioner can be granted the relief prayed for and accordingly;

(a) In the event of arrest by or on appearance before the respondent police;

(b) In the event of appearance before the learned Judicial Magistrate No.I, Tirunelveli, within 15 days from the date of receipt of a copy of the order,

(i) the petitioners shall be enlarged on bail on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two common sureties to their satisfaction;

(ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;

(iii) the petitioners shall appear before the respondent police daily at 10.30. a.m for three days from 27.09.2016 to 29.09.2016 and thereafter as and when required for interrogation.

sd/-

22/09/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
CCB , TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.MUTHUSARAVANAN Advocate SR.No.54792

GJM/SK.SKN/AR-I-26.9.16-2P-6C

ORDER

IN

CRL OP(MD) No.18054 of 2016

Date :22/09/2016